



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 3618-00
9 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 15 December 1980 at the age of 21. Your record reflects that you served for more than two years without disciplinary infractions, but on 14 July 1983 you received nonjudicial punishment (NJP) for disobedience and were awarded restriction and extra duty and a suspended reduction in rate. On 9 January 1984 you received NJP for wrongful use of cocaine and marijuana and absence from your appointed place of duty. The punishment imposed was restriction and extra duty for 30 days, a forfeiture of pay, and a reduction in rate. Approximately a month later, on 2 February 1984, you received NJP for disobedience and breaking restriction. The punishment imposed was restriction and extra duty for 45 days and a \$200 forfeiture of pay.

Subsequently, you were processed for an administrative separation by reason of misconduct due to commission of serious offense. The discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 22 March 1984 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you have been diagnosed with hepatitis C and would like your discharge upgraded so that you may receive medical benefits. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given your three NJPs and especially your drug related misconduct. The Board also noted that there is no evidence in the record and you submitted none, to support your contentions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director